

CIA INTERNAL USE ONLY

OGC Has Reviewed

8 April 1960

MEMORANDUM FOR: Legislative Counsel

SUBJECT: Proposed Bill entitled "Industrial Security Act"
to be Drafted for Senators Dodd and Keating

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1. I am returning herewith the typed copies of the draft bill which I borrowed from your office earlier today. I have made and distributed copies to Mr. [] in the Office of Security and Mr. [] Chief, Security Staff, Office of Logistics.

2. Preliminary comments on this proposed bill are as follows:

a. Except for very minor changes in wording required to translate an executive order into a bill, the language of the proposed bill is exactly the same as that of Executive Order 10865. The departments and agencies named and the standards and procedures established are wholly the same.

b. Since we believe CIA can live with the Executive Order, I think the same test is a good starting point for proposed legislation. Therefore, I recommend that you report to the Committee staff that this Agency endorses this proposal. As you are aware, some of the language in the Executive Order has been rather carefully chosen to serve our purposes and we have held discussions with Justice Department officials to obtain complete understanding on the interpretation which might be given to this language in the execution of the Executive Order. For example, section 6 of the Executive Order provides that the head of a department or agency shall cooperate in making available one of his employees to testify in connection with a proceeding involving another agency. We were assured by Justice that the concept of "cooperating" left room for the DCI in his discretion to decide that he could not make a CIA employee available for such a purpose. Accordingly, we recommend that this Agency be permitted to keep closely in touch with the progress of this bill during hearing and on the floor so that a prompt explanation can be given or other action taken to preserve innocuous language which is particularly important to CIA.

CRC, 3/13/2003


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c. As a substitute for the discussions and understandings which we have arrived at with the Department of Justice and the Bureau of the Budget in connection with the Executive Order, we recommend that appropriate legislative history be created as part of the written record which will be of value in preserving our position and freedom of action in case of judicial interpretation of this legislation.

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Assistant General Counsel

cc:  Office of Security
Chief, SS/OL

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